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The Afterlife of Peace Agreements

Mats Berdal

Abstract

The chapter examines the afterlife of peace agreements aimed at ending civil wars in the post-Cold War era. Assessing the ‘success’ or otherwise of these agreements is not possible *without* an appreciation of the context – historical, political, cultural and normative – within which they have been negotiated, concluded and implemented. While context is thus all-important, the history and fate of peace accords have also been shaped by the content of individual agreements, as well as by the manner of their implementation. The record shows that poorly designed and inadequately supported peace agreements can entrench pre-war patterns of conflict, exacerbate intra-elite competition, and accentuate socio-economic and political grievances within war-torn societies. By contrast, agreements that are properly designed, adequately resourced, and underpinned by constructive political support from parties, regional actors and international sponsors, can strengthen the political forces and dynamics favouring long-term stability and societal transformation towards self-sustaining peace. Peace agreements after civil wars are often best approached as living documents whose flexible and politically informed interpretation can help parties and mediators chart political avenues out of protracted violence.

Key words

Civil war; power-sharing; post-conflict elections; disarmament, demobilisation and reintegration (DDR); United Nations (UN); political-economy analysis; peace implementation.

Chapter 8

The Afterlife of Peace Agreements

Mats Berdal

‘Peace is not a matter of prizes or trophies. It is not the product of a victory or command. It has no finishing line, no final deadline, no fixed definition of achievement.’

Oscar Arias, Nobel Lecture 1987

1 Introduction

From Mexico City to Dayton, Paris to Lomé, since the late 1980s the signing of peace agreements marking the formal end of civil wars in parts of Central and South America, the Balkans, Asia and Africa, have all been grand and solemn occasions, moments laden with hope, relief, and the promise of new beginnings. After years, sometimes decades, of war and social breakdown, the temptation to view such moments as decisive, culminating, end-points in the arduous search for ‘just and lasting’ peace has, not surprisingly, tended to be strong. ‘The sun of peace finally shines in the heavens of Colombia’, President Juan Manuel Santos boldly declared as he accepted the Nobel Peace Prize for his efforts in securing a peace agreement between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) in December 2016.¹ That particular agreement followed half a century of civil war, in the course of which more than 220,000 people were killed, tens of thousands disappeared and over 6 million were displaced.

The tendency to view the signing of peace agreements as watershed moments has only been further reinforced by the language and the promises contained in the agreements themselves. Thus, the ‘comprehensive political settlement’ of the Cambodia conflict signed in Paris in

¹ Juan Manuel Santos, ‘Peace in Colombia: from the Impossible to the Possible’, Nobel Lecture, Oslo, 10 December 2016.

October 1991 promised ‘a system of liberal democracy, on the basis of pluralism’.² At Arusha, in August 1993, some eight months before the descent into barbarism in Rwanda, the Rwandan government and the Rwanda Patriotic Front (RPF) solemnly ‘resolved to eradicate and put a definite end to all the root causes’ of the war that had started when the RPF first crossed into Rwanda from bases in Uganda in October 1990.³ Offering a ‘definitive settlement of the fratricidal war’ that had raged in Sierra Leone for much of the 1990s, the Lomé Peace Agreement, reached in July 1999, was no less ambitious on paper.⁴ In Guatemala, the Peace Accords signed by the government and the Guatemalan National Revolutionary Unity (UNRG) in December 1996, following thirty-six years of savage civil war, presented ‘the country with a comprehensive agenda for overcoming the root causes of the conflict and laying the foundations for a new kind of development’.⁵

And yet, against all this, when it comes to the afterlife of peace agreements the contrast between vision and reality has often been stark. The simple truth is that post-Cold War peace agreements following civil wars have rarely, if ever, lived up to the detailed promises enshrined in the agreements themselves, let alone the hopes for societal transformation and ‘positive peace’ adumbrated at the time of their signature. This holds true even if one leaves aside agreements whose catastrophic collapse ushered in the resumption of large-scale violence – a category which, in addition to the Arusha and Lomé agreements, includes the Bicesse Accords and the Lusaka Protocol for Angola in 1991 and 1994 respectively, as well as the short-lived Abuja Agreement for Liberia of August 1995.⁶ In fact, in a striking number of cases other than these, peace agreements have been followed by an increase, rather than any diminution, in levels of violence and insecurity. Even where the main guns have remained silent for years – as in Bosnia-Herzegovina following the widespread ethno-nationalist violence that marked the first year of the Dayton Peace Agreement – centrifugal forces built into the original agreement have allowed tensions to intensify over time.⁷ The extent to which the afterlife of individual peace agreements has diverged from the promise of

² Agreement on a Comprehensive Political Settlement of the Cambodia Conflict (Paris Agreements), 23 October 1991, Annex 5, para. 4.

³ Peace Agreement between the Government of the Rwanda and the Rwandese Patriotic Front (RPF) (Arusha Agreement), 4 August 1993.

⁴ Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front (RUF) (Lomé Peace Agreement), 7 July 1999.

⁵ Agreement on a Firm and Lasting Peace (Guatemala), 29 December 1996.

⁶ Peace Accords for Angola (Bicesse Accords), 31 May 1991; Lusaka Protocol (Angola), 15 November 1994; Abuja Agreement to Supplement the Cotonou and Akosombo Agreements as Subsequently Clarified by the Accra Agreement (Liberia), 19 August 1995.

⁷ General Framework Agreement for Bosnia and Herzegovina (Dayton Peace Agreement), 21 November 1995.

peace has been especially noticeable when it comes to the structural causes of conflict and socio-economic indicators of progress. In El Salvador and Guatemala, the peace accords of the 1990s have had little or no bearing on the extreme socio-economic inequities, linked to conflicts over land and the enduring power of economic elites, that have for so long characterised both societies.⁸ While the case of Mozambique presents a more encouraging picture in terms of democratic consolidation and violence reduction following the peace agreement reached between the government and the Mozambican National Resistance (RENAMO) in October 1992, the country has continued to languish near the bottom of the UNDP's Human Development Index.⁹ This striking absence of a socio-economic peace dividend provides part of the background, if not the whole explanation, for the return of armed conflict in 2013.¹⁰

At first sight, this divergence between promise and delivery is liable to induce cynicism and despair in equal measure. While both sentiments are frequently warranted, hasty and overly simplistic inferences from the record should nonetheless be resisted. In particular, examining the afterlife of peace agreements cannot be reduced to a crude ticking-off exercise in which peace implementation is scored or measured in some mechanical fashion against a long list of formally agreed objectives. To do so would be to misunderstand the functions and purposes of post-civil war peace agreements as well as the manner in which they are arrived at. Nor would such an approach help much when it comes to unpacking the relationship, direct and indirect, between the contents of peace agreements and the trajectory of political, military and socio-economic developments following their signature. To disentangle that relationship analytically it is necessary to examine the interplay of three elements: the contextual factors and political realities that help shape the agreement in the first place and which continue, in mutated form, to influence its implementation; the details and provisions of the peace agreement itself; and, finally, the decisions and choices made by parties, external actors and guarantors in the course of implementing the agreement. The long-term viability of any given peace agreement is a function of all three elements, though the relative importance of each has varied greatly from case to case.

⁸ In particular, see: Chapultepec Agreement, 16 January 1992; Agreement on a Firm and Lasting Peace (Guatemala).

⁹ Mozambique came 180 out of 188 on HDI index in 2018: UNDP, 'Mozambique: Human Development Indicators': <http://hdr.undp.org/en/countries/profiles/MOZ> [last accessed 30 November 2018].

¹⁰ Alex Vines, 'Afonso Dhlakama and RENAMO's return to armed conflict since 2013', in Anders Themnér (ed.), *Warlord Democrats in Africa* (London: Zed Books, 2016), 121.

In reflections penned not long after the end of the UN operation in Cambodia in 1993-94, John Sanderson, the commander of UN forces charged with implementing key aspects of the Paris Agreements, drew attention to the all-important connection between political context, peace agreement and implementation. The agreements, he stressed, ‘contained many compromises’, adding, rightly, ‘they would have been unlikely to gain such wide acceptance if they had not’.¹¹ Crucially, however, they still ‘formed a highly credible document’.¹² This combination of a necessarily imperfect yet still credible set of agreements carried an important implication, and it is one that transcends the particular case of Cambodia: an ‘agreement is the foundation, a start point, and constant negotiation and refinement of details flowing from the agreement are required to bring it to fruition’.¹³

2 Core Argument and Structure

Peace agreements cannot by themselves deliver just and lasting peace. Even so, peace agreements clearly matter. Poorly designed and inadequately supported, they can deepen and entrench pre-war patterns of conflict, exacerbate intra-elite competition, accentuate both socio-economic and political grievances, and, ultimately, open new fissures within societies already torn and divided by war. By contrast, an agreement that is properly designed, adequately resourced, and underpinned by consistent and constructive political support from interested parties, regional players and international sponsors, can serve to strengthen the political forces and dynamics that favour long-term stability and encourage societal transformation towards a deeper, more truly self-sustaining, peace. The present chapter develops and adds nuance to this core argument by comparing and contrasting the afterlife of peace agreements aimed at ending civil wars in the post-Cold War era, focusing specifically on wars where no party has emerged victorious from the battlefield and, consequently, where the legitimacy of government remains contested, the state’s monopoly of violence is incomplete, and institutions are typically weak and fragile.¹⁴ Recognising, indeed emphasising, the uniqueness of individual conflict settings, the chapter focuses on issues and challenges that have surfaced, in one form or another, in the aftermath of all peace agreements, and the management of which has had a decisive bearing on the long-term

¹¹ John M. Sanderson, ‘UNTAC: Successes and Failures’, in Hugh Smith (ed.), *International Peacekeeping: Building on the Cambodian Experience* (Canberra: Australian Defence Studies Centre, 1994), 15, at 16-17.

¹² *Ibid.*, 16.

¹³ *Ibid.*, 17.

¹⁴ The agreements discussed share one further characteristic: they have all been brokered and implemented with some measure of UN involvement.

prospects for building peace and, critically, on the quality of that peace. It proceeds in three parts.

The first, in Section 3, considers contextual factors crucial to an understanding of the afterlife of peace agreements. It does so by reference to four, necessarily overlapping, categories: first, the trauma and continuing logic of civil war; second, the balance of political-military power on the ground and the degree of substantive clarity on the political end-state for peace; third, the political economy of conflict prevailing at the time of signature, that is, the informal pattern of influence and the distribution of power and privilege, shaped by war and conflict, within society and among its political-military elites; and, fourth, the global and regional balance of influences and pressures bearing on the conflict environment and the implementation of agreements.

The second part, in Section 4, looks at the content and credibility of peace accords in relation to a broader, less mechanistic or literal, understanding of the functions and purposes of peace agreements. It concentrates on three aspects that have been at the heart of post-Civil War peace agreements and have proved especially important to their afterlife: provisions relating to ‘post-conflict’ security and the control of violence, including plans for Disarmament, Demobilisation and Reintegration (DDR) of ex-combatants, Security Sector Reform (SSR) and military integration; provisions relating to the organisation and holding of elections, including choices made about electoral systems, timing, rules and sequencing of elections; and, finally, provisions relating to power-sharing, whether of a transitional or more permanent kind, among erstwhile enemies.

The final section turns to the implementation of peace agreements, focusing in particular on the different roles played by the UN in efforts to consolidate fragile peace agreements. Assessing the record of the past three decades, it identifies the most significant factors to have strengthened the long-term viability of peace agreements. Chief among these have been an auspicious regional and geopolitical setting; adequate resources and enforcement capacity; effective Security Council support; and, above all, politically-driven, flexible and imaginative leadership on the part of those charged with supporting implementation.

3 Context: Peace Agreements and Transitions from War to Peace

The formal conclusion of peace agreements can easily give the appearance of finality to peace processes, especially so when protracted periods of bitter and savage violence have

coexisted with long-running and seemingly fruitless peace talks and mediation efforts. To outside observers, the length, detail and sheer scope of most peace agreements since the late 1980s have usually added to a sense of definitiveness and rupture with the past. The Colombian peace agreement, to take the most striking example, runs to over 300 pages and covers issue-areas ranging from rural reform, political participation and gender inclusion to the country's drugs problem, organised crime and the challenges of truth, justice and reparations posed by half a century of war.¹⁵

The disproportionate, if understandable, attention given to the handshake moment of peace agreements can also, however, introduce a distorting perspective on their true significance, underplaying the political realities, unaddressed socio-economic grievances and psychological pressures that make for continuity between wartime and 'post-conflict' periods. The fractionalisation of armed groups formerly united by a common cause; the criminalisation of wartime networks and post-war political economies; spikes of retributive violence and targeted political killings; violent competition among former belligerents to fill security vacuums and position oneself for upcoming elections or other deadlines stipulated by peace agreements – these are all features that, to varying degrees, have characterised the afterlife of agreements. Indeed, some, if not all, of them have been notable trends during the first eighteen months of the Colombia Peace Agreement.¹⁶

Peace agreements, then, rather than signalling a clean break from past patterns of conflict, are in reality better understood as but one phase in what is always a drawn-out, contested, frequently violent, and multi-layered transition from war to peace. This holds true, above all, for agreements aimed at ending deep-rooted conflicts of an internal character, especially where these have also involved identity issues of a sectarian, confessional or ethno-nationalist kind. Such agreements and their afterlife are all shaped by a distinctive combination of contextual factors. In each individual case, that combination will be given by a unique set of historical, political and cultural conditions from which one should be naturally wary of abstracting simple, universally applicable lessons. Even so, it is still possible to identify themes that are relevant and analytically helpful across the spectrum of otherwise diverse cases.

¹⁵ Final Agreement to End Armed Conflict and Build a Stable and Lasting Peace (Colombia Peace Agreement), 24 November 2016.

¹⁶ UNSC, *Report of the Secretary-General on the UN Verification Mission in Colombia*, 2 April 2018, UN Doc. S/2018/279, para. 88; and UN Department of Political Affairs, Opening Remarks to the Press in Bogotá, Colombia, Under-Secretary-General Jeffrey Feltman, 15 November 2017.

3.1 The Continuing Logic of Civil War

The historical grievances and complex layers of causes that give rise to civil war, the fault-lines which these open up within society, the dominant narratives that crystallise in the course of internecine conflict – none of these disappear with the formal end of hostilities. Indeed, appending the words ‘comprehensive’ or ‘general’ to many of the agreements reached over the past three decades has frequently concealed realities on the ground much better understood as unfinished civil wars.

In a number of instances, this has quite literally been the case: agreements have been entered into because they allowed one or more parties to regroup, consolidate and live to fight another day. The Lusaka Protocol for Angola – in spite of considerable diplomatic and peacekeeping investment on the part of UN to keep the peace process on track between 1994 and 1998 – eventually collapsed into all-out war because Jonas Savimbi never viewed the agreement as anything more than an opportunity to stem the tide of military defeat and, later, to rebuild UNITA’s military capacity. The Lomé Peace Agreement was similarly doomed from the outset by the absence of even a modicum of trust and commitment to the accord on the part of the RUF leadership.

In other more open-ended cases, war weariness may have produced, in William Zartman’s oft-quoted phrase, a ‘mutually hurting stalemate’, prompting belligerents to explore negotiations and sign up to an agreement, though even then without abandoning their core wartime objectives. The latter stages of the Mozambican civil war may be the best example, though it is also one of the very few, where a combination of factors resulted in a truly hurting stalemate. These included the devastating effects of a prolonged draught, the withdrawal of external patronage, and the very limited natural resource base available to the warring parties for continuing to prosecute the war. A mixture of exhaustion, internal division and external pressure may thus result in parties wanting an agreement but, even then, ‘only to the extent that they [are] able to exploit it’.¹⁷

Now, in all these cases, the underlying tensions and sources of instability that characterise the early afterlife of peace agreements are intimately connected to the context of civil war itself. Because civil wars involve issues of power and belonging, raising fundamental questions about the legitimacy and location of governmental authority, they tend to generate violence

¹⁷ Michael Doyle and Nishkala Suntharalingam, ‘The UN in Cambodia: Lessons for Complex Peacekeeping’ (1994) 1(2) *International Peacekeeping* 117, at 129.

that is intimate, widespread and, all too often, marked by atrocities and exceptional brutality, leaving behind ‘deep wounds in individuals, in families and in society as a whole’.¹⁸ By politicising markers of identity, weakening peacetime norms of social behaviour and habituating societies to violence, civil wars are uniquely polarising and profoundly disruptive in their effects on the social fabric of society and the ties of solidarity and trust that hold communities together. In Bill Kissane’s evocative phrase, civil wars leave ‘nations torn asunder’.¹⁹ So while peace agreements may bring an end to large-scale fighting, former belligerents remain bitter adversaries in its aftermath, and war-affected populations continue to be afflicted by the lived experience and traumas of war. Without a clear victor, the zero-sum logic of civil war continues to operate and mistrust among communities is likely to remain strong, persisting long after the signing of a peace accord.

The extent to which civil war produces these effects naturally varies across cases. Even so, the general context of civil war means there is always an in-built tension at the heart of peace agreements. On the one hand, they rely on the good faith and commitment of the parties for implementation. To a degree, this is necessary or they would not have been signed up to in the first place. On the other hand, in the wake of intrastate conflict, trust is precisely the quality most likely to be in short supply. In such circumstances, basing implementation entirely on good faith and assumptions of compliance can, and has had, fateful consequences. As Margaret Anstee, Special Representative of the Secretary-General (SRSG) in Angola from 1992 to 1993, observed: ‘the thesis that the main responsibility for implementing the [Bicesse] Accords must be vested in the two parties to the conflict presupposed a Boy Scout’s code of honour in circumstances hardly conducive to the evolution of the Boy Scout spirit’.²⁰ As the history of the Lusaka Protocol and the subsequent trajectory of the Angolan conflict suggest, the Bicesse Accord suffered multiple weaknesses and giving the UN a more central role in implementation may not have been enough to save it.

And yet, while peace agreements plainly cannot conjure up trust and commitment *ex nihilo*, the record suggests that the content of peace agreements, their interpretation and implementation, can serve either to undercut, or, conversely, reinforce a continuing logic of civil war. In Mozambique, an imaginative and flexible interpretation of the Rome Agreement

¹⁸ Commission for Historical Clarification, ‘Guatemala: Memory of Silence’, Report of the Commission for Historical Clarification, 1999, para. 150.

¹⁹ Bill Kissane, *Nations Torn Asunder: The Challenge of Civil War* (Oxford: OUP, 2016).

²⁰ Margaret Anstee, *Orphan of the Cold War: The Inside Story of the Collapse of the Angolan Peace Process, 1992-3* (London: Macmillan Press, 1996), 532-533.

by the UN mission leadership allowed for trust to be generated among the parties and for RENAMO to enter the political process.²¹ By contrast, the Dayton Peace Accord, as David Harland has damningly commented, represented not only an exclusive ‘elite deal between the same three ethno-national elites that had started the war’, it also saddled Bosnia-Herzegovina, with constitutional provisions that ‘have prevented the emergence of moderate and pragmatic political forces’.²² The result, in this and other cases, has been that the traumas and logic of civil war have been allowed to weigh more heavily on the afterlife of peace agreements than might otherwise have been the case, limiting the scope for progress in other areas, notably political integration, reconciliation and economic development.²³

All of these cases raise complex questions and difficult judgements about inclusion of parties in peace agreements and the role of third parties in fostering confidence, issues discussed more fully below.

3.2 The Political Context and Foundations for Peace

‘Transitions from war to peace’, Astri Suhrke reminds us, ‘raise basic issues about access to political power in post-war society’.²⁴ ‘These are inherently conflictual and contested questions, particularly so in societies emerging from violent strife fought over the legitimacy or control of the state’.²⁵ It follows that the underlying stability of any given peace agreement hinges, in large part, on the degree to which fundamental issues of access to power and questions of political end-state have been substantively addressed in the accord. In practice, this has varied from situations of greater or lesser clarity to situations of profound ambiguity. In the latter case, agreements have proved highly unstable and, frequently, short-lived. Thus, following NATO’s military campaign against the Federal Republic of Yugoslavia (FRY) in June 1999, UNSC Resolution 1244 gave effect to the Rambouillet Accords and reaffirmed ‘the call for ... substantial autonomy and meaningful self-administration for Kosovo’.²⁶ Fundamental disagreements over the meaning of ‘substantial autonomy’ and the final status of Kosovo, however, helps to account for the fraught and rocky road to its unilateral

²¹ General Peace Agreement for Mozambique (Rome Agreement), 4 October 1992.

²² David Harland, ‘Bosnia and Herzegovina Case Study’, Stabilisation Unit, Elite Bargains and Political Deals Project, February 2018, at 3: www.sclr.stabilisationunit.gov.uk/publications/elite-bargains-and-political-deals/1567-case-study-bosnia-herzegovina/file [last accessed 30 November 2018].

²³ Christopher Bennett, *Bosnia’s Paralysed Peace* (London: Hurst & Co., 2016).

²⁴ Astri Suhrke, ‘The Peace in Between’, in Astri Suhrke and Mats Berdal (eds.), *The Peace in Between: Post-War Violence and Peacebuilding* (London: Routledge, 2012), 1, at 18.

²⁵ *Ibid.*

²⁶ UNSC Resolution 1244 (1999), 10 June 1999, UN Doc. S/RES/1244(1999), 2; Interim Agreement for Peace and Self-Government in Kosovo (Rambouillet Accords), 23 February 1999.

declaration of independence in 2008, notwithstanding a large and intrusive international civilian and military presence with executive powers on the ground in the years after 1999.

Surveying the period since the late 1980s, it is clear that the length, detail and textual intricacies of an agreement do *not* provide a reliable indicator of the underlying strength of its political foundations, nor do they act as a guarantee against instability and breakdown. In point of fact, both the length and detail of agreements have often concealed an underlying absence of substantive agreement on a political end state. Where this has been the case, issue areas left vague have become battlegrounds during implementation. Jean-Marie Guehenno, head of UN peacekeeping from 2000 to 2008, observed of the Comprehensive Peace Agreement for Sudan, signed in January 2005,²⁷ how ‘detailed institutional provisions coexisted with great vagueness on some key issues that were at the heart of the conflict’.²⁸ The Darfur Peace Agreement of May 2006, signed by the Sudanese government and the largest rebel group in Darfur, the Sudan Liberation Movement (SLM), was also remarkably comprehensive in scope, incorporating complex provisions relating to security, wealth-sharing and power-sharing.²⁹ In Guehenno’s view, however, it was ‘much too elaborate, with its many details hiding a lack of genuine agreement on end goal’.³⁰ By contrast, the Erdut Agreement between Croatia and local Croatian Serb authorities in Eastern Slavonia reached in November 1995, was both short and shorn of high-flown language.³¹ It established the UN Operation in Eastern Slavonia (UNTAES), which oversaw the transfer of Eastern Slavonia from Croat Serb to Croatian government control between 1996 and 1998. Its comparative success owed largely to the fact that the political end-state was never in doubt: Croatia was reasserting full sovereignty within an agreed period over territory controlled by the Krajina Serbs since 1992. Although usually held out as a success story, the peaceful transfer of control should not be confused with a just settlement for former, notably Croat Serb, inhabitants of the province who witnessed ‘widespread intimidation, violence and

²⁷ Comprehensive Peace Agreement between the Government of Sudan and the SPLM/SPLA, 9 January 2005.

²⁸ Jean-Marie Guéhenno, *The Fog of Peace: A Memoir of International Peacekeeping in the 21st Century* (Washington, DC: Brookings, 2015), 171.

²⁹ Darfur Peace Agreement, 5 May 2006. For a thoughtful assessment see: Laurie Nathan, ‘No Ownership, No Peace: The Darfur Peace Agreement’, Crisis States Research Centre (LSE), Working Paper No. 5, 20 September 2006: <http://www.lse.ac.uk/international-development/Assets/Documents/PDFs/csrc-working-papers-phase-two/wp5.2-darfur-peace-agreement.pdf> [last accessed 1 December 2018].

³⁰ Guéhenno, ‘Fog of Peace’, 187.

³¹ Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (Erdut Agreement), 12 November 1995.

discrimination’ during the transition period,³² ensuring that many of them either left or never returned.

As these examples indicate, the relative strength or weakness of the political foundations of an agreement is closely connected to the balance of political-military forces on the ground, and the capacity of parties to sabotage an agreement. Both of these, in turn, are inextricably linked to the wider question of political economy.

3.3 Peace Agreements and the Political Economy of War-to-Peace Transitions

Post-Cold War peace agreements following civil wars have all contained, in one form or another, provisions aimed at shoring up the authority, reach and legitimacy of the state. To this end, peace agreements have unlocked funds and resources for capacity and institution building, geared, in particular, towards reforming the coercive apparatus of the state: its armed forces, the police and security sector broadly conceived. At the same time, alongside efforts aimed at strengthening formal institutions, peace agreements have sought to change the rules of the game governing politics, typically by introducing democratic elections, power-sharing arrangements, and, in some cases, enshrining far reaching constitutional reforms.

Building institutions, however, never starts from scratch, nor do the workings of new rules play out in a power vacuum. This is especially so in cases where civil war and state weakness have transformed social, economic and political bases of power within society, resulting in the emergence of alternative political and economic orders where effective power has shifted to informal networks of privilege and patronage of a violent and exploitative kind, usually connected to region-wide war economies.³³ In these circumstances, formal rules and institutions, however central to a peace agreement, matter less to post-agreement stability than the underlying political economy and power dynamics shaped by war and armed conflict.³⁴ Crucially, such political economies – rooted in distinctive war economies the workings of which are concealed behind the shell or façade of formal institutions – persist beyond the signing of peace accords. Forged in wartime, war economies and informal

³² International Crisis Group, ‘Breaking the Logjam: Refugee Returns to Croatia’, ICG Balkans Report No.49, 9 November 1998, at 2-9: www.crisisgroup.org/europe-central-asia/balkans/croatia/breaking-logjam-refugee-returns-croatia [last accessed 1 December 2018].

³³ Mats Berdal and Dominik Zaum (eds.), *Political Economy of Statebuilding: Power After Peace* (London: Routledge, 2012), 2-14.

³⁴ As Ladley and Wennmann put it, ‘the key to political economy analysis is the attempt to map and explain the real contours of power’: Chapter 21 by Andrew Ladley and Achim Wennmann in this volume, [x].

networks have proved highly resilient and explain why peace agreements – as with the grandly entitled ‘Global and Inclusive Agreement on Transition’ reached in late 2002 and meant to bring the Second Congo War to an end – have often been followed by a ‘violent peace’.³⁵

How, more specifically, do considerations of political economy bear on the afterlife of peace agreements? Powerbrokers and informal actors strengthened by conflict are uniquely placed to subvert and undermine capacity-building provisions enshrined in peace agreements, as well as to manipulate electoral and power-sharing arrangements to serve their own predatory and illiberal aims.³⁶ This challenge has been especially acute in the immediate aftermath of inconclusive conflict when the power of wartime actors is still considerable and the price of challenging them is likely to involve violent resistance. In practice, many peace agreements have recognised these realities by giving political-military elites and powerbrokers a privileged role in peace accords, granting them access to formal power and, in several cases, amnesties from crimes committed in wartime.³⁷ Doing so has sometimes reflected an exaggerated belief in the transformative impact of having reached a peace agreement in the first place, underpinned, especially in 1990s, by a naïve belief in the transferability of Western liberal structures to war-torn settings. In many cases, however, the decision to engage with existing power structures has been based on the judgement that the risks and enforcement costs associated with confronting them were too high and that few other options were available. Such a judgement is likely, not unreasonably, to have reflected the fact that wartime elites, however troubling and unsavoury their record in other respects, will often enjoy a high degree of local legitimacy deriving from their role in providing security and other public goods to communities in lieu of a properly functioning state. The risks involved in thus accepting the ‘realities of power’ are nonetheless very real: doing so may entrench wartime power structures and political-military elites with a vested interest in continuing instability. The Lomé Peace Agreement provides the most notorious and controversial case of an amnesty aimed at securing buy-in of parties to a peace agreement, with an ‘absolute and free pardon’ granted not only to Foday Sankoh, leader of the RUF, but ‘to all combatants and

³⁵ Kris Berwouts, *Congo’s Violent Peace* (London: Zed Books, 2016), 103-104.

³⁶ For the relationship between rising levels of electoral violence and underlying power structures in many sub-Saharan states between 1920 and 2010, see: Mimmi Söderberg Kovacs and Jesper Bjarnesen (eds.), *Violence in African Elections: Between Democracy and Big Man Politics* (London: Zed Books, 2018).

³⁷ For the use of amnesties in peace settlements in 1990s, see Chapter 26 by Renée Jeffery in this volume.

collaborators in respect of anything done by them in pursuit of their objectives'.³⁸ Unsurprisingly, the agreement began to unravel within months.³⁹

For all that war economies have proved resilient, it is still the case that peace agreements can be designed, and their implementation approached, in ways that *either* reward predatory actors and strengthen illicit political economies, *or*, conversely, provides incentives for peaceable behaviour. Crucial in this respect are the decisions made with regard elections and power-sharing, though there are few aspects of a peace agreement that are unaffected by considerations of political economy. Where, for example, criminal and overtly economic agendas have become major drivers of conflict, as in Colombia, alternative livelihood strategies and properly resourced reintegration programmes for ex-combatants provided for in a peace agreement may be vital to preventing renewed violence in the long-run.⁴⁰

There is a final point here. It concerns the longer-term relationship between a peace agreement and the structural or 'root' sources of conflict. For it is clear that some peace agreements have come to enshrine, or, more accurately, have served to reassert, pre-war and historically rooted political economies that contributed to exclusion, marginalisation and violent conflict in the first place. This kind of outcome may be inevitable in cases where civil war has ended in a compromise peace but where political and socio-economic elites have been able to retain power and influence, resulting in instances of 'elite capture'.⁴¹ While such peace agreements may still produce valuable and important gains (notably by reducing overt political violence), failure to tackle underlying political economies is likely to have displacements effects in the form of increased levels of social and criminal violence, all the

³⁸ Lomé Peace Agreement, Article IX.

³⁹ UNSC, *First Report of the UN Mission in Sierra Leone (UNAMSIL)*, 6 December 1999, UN Doc. S/1999/1223, paras. 34-35.

⁴⁰ Recognizing this, the Colombia Peace Agreement includes 'significant innovations to deal with criminal agendas': John de Boer *et al.*, 'Criminal agendas and peace negotiations – the case of Colombia', UN University Centre for Policy Research, Crime-Conflict Nexus Series: No. 6, April 2017, at 8: <https://i.unu.edu/media/cpr.unu.edu/attachment/2484/Criminal-Agendas-and-Peace-Negotiations-The-Case-of-Colombia.pdf> [last accessed 1 December 2018]. For the provisions relating to the 'reincorporation of FARC-EP into civilian life' and measures to address the 'illicit drugs problem', see chapters 3 and 4 of the peace agreement.

⁴¹ Christine Cheng *et al.*, 'Synthesis Paper', Stabilisation Unit, Elite Bargains and Political Deals Project, June 2018, at 41: www.sclr.stabilisationunit.gov.uk/publications/elite-bargains-and-political-deals/1586-synthesis-paper/file [last accessed 1 December 2018].

while leaving structural grievances unaddressed. These points are perhaps nowhere better illustrated than by the examples of El Salvador and Guatemala.⁴²

3.4 External Influences Bearing on Peace Agreements

Just as civil wars are never wholly internal, be it in terms of their origins, dynamics or international consequences, so peace agreements and their afterlife must be understood in their geopolitical and regional context. When the period since the late 1980s is viewed as a whole, the impact of geopolitical and regional influences on the afterlife of agreements can be said to range along a spectrum from benign and constructive at one end, to profoundly destabilising at the other.

At the positive end, potentially fragile peace agreements have been shored up by proactive political and diplomatic support, including a willingness to offer inducements and exert pressure at key moments during implementation, by external actors, notably the UN Security Council but also ‘groups of friends’ and influential donors. The key to success in these cases has been basic agreement among external actors on the political end-state for an agreement, followed up with concrete steps to galvanise diplomatic support, mobilise resources and encourage regional actors to play a constructive role during implementation. Examples include the support given and pressures applied during the implementation of the Namibian settlement plan in 1989, the Paris Agreements for Cambodia in 1992-1993, and the General Peace Agreement for Mozambique in 1992-1994. In all three cases both Council and donor support remained strong and did not fracture.⁴³

This has not, however, proved to be the norm. More often than not international engagement has been more half-hearted, reflecting a lack of strategic interest, limited staying-power and insufficient recognition of the need for political follow-up on the part of major powers and neighbouring states once agreements have been concluded. ‘The real nail in the Angola coffin’, Anstee concluded, ‘was that the solution of the conflict never enjoyed high priority on the agenda of the countries that mattered’.⁴⁴ And in Rwanda in 1993, a ‘paltry

⁴² Sebastian Elgueta, ‘Guatemala Case Study’, Stabilisation Unit, Elite Bargains and Political Deals Project, February 2018, at 25-28: www.sclr.stabilisationunit.gov.uk/publications/elite-bargains-and-political-deals/1571-case-study-guatemala/file [last accessed 1 December 2018].

⁴³ UNSC, *Final Report of the Secretary-General on the UN Operation in Mozambique*, 23 December 1994, UN Doc. S/1994/1449, para. 35; Javier Pérez de Cuéllar, *Pilgrimage for Peace* (London: MacMillan, 1997), 474. For the role of the UN in crafting and supporting peace agreements through the instrumentality of peace-making and peacekeeping, see Chapter 13 by Scott Sheeran and Catherine Kent in this volume.

⁴⁴ Anstee, ‘Orphan of the Cold War’, 535-536.

international effort gave further ammunition to opponents of the peace agreement'.⁴⁵ In Sierra Leone, the already flawed Lomé Agreement was further compromised by President Obasanjo's decision to withdraw Nigerian peacekeeping troops from the country and the manifest unwillingness of traditional troop-contributors and Council members to fill the vacuum following Nigeria's departure.⁴⁶

Even more damaging than neglect and indifference have been those situations where outside powers have actively sought to sabotage a peace agreement, or, more indirectly, where profound instability in a neighbouring state, or the wider region, have impeded implementation of an agreement. In these cases, building stable foundations for peace has often proved impossible. Although the fate of the Lomé Peace Agreement was shaped by extreme reluctance on the part of major powers to support the process, more important still was the hostile regional context. As Mitton makes clear, it was only with 'the removal of [Charles] Taylor from power in 2003, [that] Liberia ceased to be a source ... of instability in the region. Without a third party such as Taylor providing finance, backing and intermediary mobilisers for war, conflict within Sierra Leone [became] practically difficult.'⁴⁷ In the DRC, attempts before and after the 'Global and Inclusive Agreement' to end violence in the east of the country have persistently been undermined by the actions of, and militias sponsored by, Rwanda, Uganda and other countries in the region. And, increasingly, state fragility and mounting instability in Venezuela are undermining efforts to implement key parts of the peace agreement reached in neighbouring Colombia in 2016.⁴⁸

4 Content: The Credibility of Peace Agreements

4.1 The Functions and Purposes of Peace Agreements

The achievements of any given peace agreement cannot meaningfully be assessed solely against the yardstick of formally stated objectives and grandiose promises made at the time of its signature. For one, as Alvaro de Soto, distinguished mediator and chief architect of the

⁴⁵ Gilbert M. Khadiagala, 'Implementing the Arusha Peace Agreement on Rwanda', in Stephen J. Stedman *et al.* (eds.), *Ending Civil Wars: the Implementation of Peace Agreements* (Boulder, CO: Lynne Rienner, 2002), 463, at 493.

⁴⁶ Sierra Leone – Next Steps', Note from Annabi to Riza, 26 August 1999; 'Sierra Leone – SRSG Adeniji's Visit to Washington', Note from Miyet (DPKO), 30 November 1999.

⁴⁷ Kieran Mitton, 'Sierra Leone Case Study', Stabilisation Unit, Elite Bargains and Political Deals Project, February 2018, at 17: www.sclr.stabilisationunit.gov.uk/publications/elite-bargains-and-political-deals/1580-case-study-sierra-leone/file [last accessed 1 December 2018].

⁴⁸ Olin Wethington, 'Venezuela's Collapse Threatens Colombia's Hard-Won Stability', *Foreign Policy*, 1 October 2018: <https://foreignpolicy.com/2018/10/01/venezuelas-collapse-threatens-colombias-hard-won-stability/> [last accessed 1 December 2018].

1992 peace agreement for El Salvador, has noted, there are ‘portions of agreements that are not meant to be implemented’.⁴⁹ Seemingly a cynical perspective, de Soto’s observation merely acknowledges an important truth: negotiated agreements aimed at ending civil wars all contain language, compromises and technical shortcomings that reflect the constraints given by historical context and political realities.

While context is thus all-important, the detailed provisions of individual agreements still matter. Agreements reached over the past three decades show that content can make for weak, inherently unstable or, *in extremis*, unworkable documents. These are agreements whose provisions, and the strategic choices they embody, have provided incentives for continued violence of a political, retributive or criminal kind; that have restricted political space to spoilers and power-brokers who see functional utility in continued instability; that have predicated implementation on a wholly unrealistic level of resources and enforcement capacity; and, more generally, that have helped entrench forces intent upon blocking processes of societal transformation needed for the scars of war to heal. By contrast, a strong or more credible agreement can counteract these tendencies, helping instead to mitigate the centrifugal forces that make for renewed war, while empowering more progressive political actors and processes.

What, then, are the functions and purposes of peace agreements? Against what kind of qualitative criteria should their effectiveness be evaluated? The post-Cold War history of efforts to smooth transitions from civil war to peace point to three broad contributions for peace agreements in the process:

- Peace agreements can help *control and reduce levels of violence and insecurity* by weakening structural incentives for resorting to violence as a means of resolving political differences and/or advancing criminal and economic agendas. In part, this can be encouraged through concrete steps: disarmament, demobilisation and reintegration (DDR), security sector reform (SSR), military integration, the creation of monitoring mechanisms and the rebuilding of law and order institutions. Equally if not more important, however, are the steps taken to ensure that the new political space and ‘rules of the game’ created by a peace agreement encourage rather than

⁴⁹ Alvaro de Soto, ‘Dear Young Mediator’, in Rachel Gasser *et al.* (eds.), *Letters to a Young Mediator* (Basel: Swiss Peace Foundation, 2015), 54.

undermine the growth of moderate and progressive political forces and dynamics in favour of long-term stability.

- Peace agreements can provide *mechanisms for conflict resolution*, including fixes and face-saving formulas for overcoming seemingly intractable obstacles to progress. A good example is provided by the creation of the Supreme National Council (SNC) in the Paris Agreements for Cambodia.⁵⁰ Composed of all four factions to the conflict, including the Khmer Rouge, the SNC was presented as the embodiment of national sovereignty. In fact, it was a largely symbolic device designed to make an agreement possible. It was also a fiction because, though it appeared to address the problem of power-sharing, it did not challenge the underlying power-dynamics and the dominance of Hun Sen's Cambodian People's Party (CPP).
- Peace agreements can help *build confidence in the future* and provide the beginnings of societal change of a deeper and more transformative kind. The function of an agreement in this sense may be less about resolving outstanding issues than 'identifying and cultivating common interests' and exploring the 'possibility of cooperation and coexistence'.⁵¹

The content of peace agreements can support these purposes in direct and indirect ways, and, ideally, every aspect of an agreement should work towards them. In practice, three core areas have proved especially important: provisions aimed controlling and reducing violence and insecurity; provisions relating to the organisation and holding of 'post-conflict' elections; and, finally, arrangements made for power-sharing between former adversaries.

4.2 Post-War Security

Where parties to an agreement have emerged weakened yet undefeated from civil war, the long-term prospects for that agreement will depend, above all, on the extent to which a secure environment is established early on in the life of the agreement. Failure to bring civil war violence under control invariably breeds fear and uncertainty about the future among ordinary citizens, stifles socio-economic recovery, hampers reconciliation, and, crucially, undermines trust in the ability of institutions and new rules of the game to deliver public goods and usher in an era of peaceful politics. As faith in the prospects for the rule of law diminishes and the legitimacy of governing structures seeps away, violence becomes more

⁵⁰ Paris Agreements, Section III.

⁵¹ Avi Shlaim, 'Ehud Barak and the Palestinian Track', *London Review of Books*, 21 January 2001.

deeply entrenched, spreads and diversifies into other forms, from opportunistic and organised crime to vigilantism, self-policing, and various forms of ‘popular justice’.

The coercive capacities of state and non-state parties to a peace agreement at the time of signature pose the most direct potential source of post-agreement insecurity. Those capacities include regular rank-and-file military formations that have yet to be demobilised as well as personnel technically discharged but still awaiting meaningful socio-economic reintegration. More important in terms of immediate post-agreement stability, however, have tended to be the structures and personnel subsumed under the loose and all-encompassing category of ‘security sector’, ranging from self-defence groups and paramilitary forces, special militias, customs bodies and border guards, to correctional services, police units and intelligence organisations of various kinds. Their importance to the afterlife of agreements derives from the power and privileged position acquired in wartime, when their ranks will have swollen and their economic and political influence grown. As examples from Guatemala, Bosnia, Afghanistan, Colombia, and the DRC also show, members of the security sector frequently become deeply intertwined with organised crime in ‘post-conflict’ states.⁵²

All of this helps explain why – in order to ‘minimise the risks of a return to warfare, stabilize the security situation and build confidence among Parties’⁵³ – DDR and SSR programmes have formed such a central part of contemporary peace agreements. In addition to downsizing regular formations, amalgamating formerly opposing armies, and reintegrating demobilised soldiers into sustainable civilian livelihoods, SSR initiatives have sought to rebuild law and order institutions by seeking to professionalise and de-politicise personnel, as well as by introducing oversight mechanisms and promoting ‘democratic governance’ of security institutions.

Now, in view of the criteria set out above, the ‘success’ of DDR and SSR programmes is most meaningfully measured, not primarily by numerical targets or technical benchmarks met, but by the degree to which they have contributed towards greater political stability and control of violence during war-to-peace transitions, i.e. the latter does not automatically flow

⁵² James Cockayne, *Hidden Power – The Strategic Logic of Organised Crime* (New York, NY: OUP, 2016), 12-14; Edgar Gutierrez, ‘Guatemala Elites and Organised Crime’, InSight Crime, 1 September 2016, at 15: www.insightcrime.org/investigations/guatemala-elites-and-organized-crime-series/ [last accessed on 2 December 2018].

⁵³ Paris Agreements, Article V(1), Annex II.

from the former.⁵⁴ On this score, the record of achievement is decidedly mixed. There are two aspects to explaining that record. The first relates to what might be termed the mechanics of delivery: that is, how to overcome challenges involved in planning, organising, coordinating and funding what have proved to be major technical and logistical tests. The second aspect concerns the degree to which the implementation of DDR/SSR programmes – including, crucially, decisions about what to prioritise, ignore or fudge – has proceeded from an understanding of political context and the need to anchor such programmes within *political processes* aimed at reducing violence, building confidence and consolidating peace.

Efforts to downsize and restructure unaccountable, frequently corrupt, bloated and heavily politicised military establishments, and law and order institutions, have posed formidable practical challenges. Poor coordination among donors, agencies and regional organisations; limited resources and severe logistical challenges, as well as inadequate follow-up in dealing with entrenched security sector actors, especially the police, have all been identified as the Achilles heel of peace agreements. According to Sanderson, the Paris Agreements ‘would have been much stronger if arrangements for the control of police forces had been more clearly defined’.⁵⁵ And, in the view of William Stanley, more substantive police and justice reform in Guatemala ‘might have helped prevent the descent into mass criminality and near state failure that occurred over the next decade’.⁵⁶ In Angola, Sierra Leone and DRC, the mismatch between the DDR and SSR ambitions of agreements and the logistical, financial and organisational resources mustered to meet those ambitions have proved even more glaring.

Partly because of these experiences, both the UN and donors have made a concerted effort to develop technical expertise, harness new technologies, improve inter-agency coordination, consolidate funding and, in particular, develop ‘principles and standards’ to underpin DDR and SSR activities.⁵⁷ As a result, strides have undoubtedly been made in overcoming the supply side challenges raised by the design and implementation of multi-donor and multi-

⁵⁴ In the literature on DDR and SSR, including the ‘guidance’ notes emanating from the UN Secretariat, a sharp distinction is usually made between DDR and SSR. While there are technical, even analytical, reasons for doing so, my principal concern here is with the overall effect of both DDR and SSR on security, stability and violence in the early afterlife of peace agreements.

⁵⁵ Sanderson, ‘UNTAC: Successes and Failures’, 19.

⁵⁶ William Stanley, *Enabling Peace in Guatemala: The Story of MINUGUA* (Boulder, CO: Lynne Rienner, 2013), 49.

⁵⁷ See UN SSR Task Force, *Security Sector Reform: Integrated Technical Guidance Notes*, 2016; and the work of the Inter-Agency Working Group on DDR, bringing together no fewer than 22 UN entities to develop agreement on: UN, *Integrated DDR Standards*, 2006: www.unddr.org/iddrs.aspx [last accessed on 2 December 2018].

agency DDR/SSR programmes. Even so, as the difficulties involved in the reintegration of former members of the FARC-EP in Colombia have shown, the practical challenges remain formidable.⁵⁸ The example of Colombia, however, also serves to highlight the second and, ultimately, more critical determinant of success in DDR and SRR.

For all the work that has gone into improving the delivery of programmes, there is a deceptively tidy and overly technocratic quality to much of the prescriptive and technical writings generated by NGOs, government and UN agencies aimed at improving DDR and SSR programmes. That tidiness has also tended to be a characteristic of DDR/SSR as conceived in peace agreements where, typically, a sequential approach to taskings – i.e. disarmament, followed by demobilisation followed by reintegration – is stipulated, and violence is understood as ‘essentially a technocratic ... law-and-order problem linked to weak state institutions’.⁵⁹ Zoë Marriage, writing in 2007 about demobilisation efforts then underway in the DRC, accurately captured the approach, but also the sense of unreality, that have characterised many DDR/SSR programmes enshrined in peace agreements: ‘demobilisation was conceptualised in the Lusaka Agreement and the Pretoria Accords ... as a static problem: there was a caseload of combatants to be demobilised. ... The language of the agreements themselves ... is of logistical and technical challenges, described in terms of numbers to be demobilised and the allocation of tasks.’⁶⁰ The point here is not that practical challenges do not require attention. Rather, it is this: if the implementation of DDR and, even more so, SSR programmes have indeed become a key ‘point of vulnerability in transitions from war to peace’⁶¹, this is not primarily because of the scale of the practical challenges involved; it is *because* they occur in dynamic conflict settings, where governmental authority and legitimacy are contested, monopoly of force is partial and institutions are weak. In such circumstances, tackling violence and insecurity emanating from disgruntled ex-combatants and the security sector is only partly, and never principally, a question of resources, donor-coordination and suchlike. Indeed, the tendency to focus on these has diverted attention away from the political dynamics at the root of post-agreement violence and the political economy

⁵⁸ UNSC, ‘Report on the UN Verification Mission in Colombia’, 2 April 2018, paras. 20-40.

⁵⁹ Jason Stearns *et al.*, *The National Army and Armed Groups in the Eastern Congo* (London: Rift Valley Institute, 2013), 9.

⁶⁰ Zoë Marriage, ‘Flip-flop rebel, dollar soldier: demobilisation in the DRC’ (2007) 7(2) *Conflict, Security & Development* 281, at 296.

⁶¹ Suhrke, ‘The Peace in Between’, 18-19.

within which DDR/SSR initiatives are inescapably embedded.⁶² Where programmes have proceeded in ignorance of this, they have acquired, strikingly so in the DRC, a shambolic quality that has only helped to fuel instability.

It flows from all of this that the DDR and SSR provisions of a peace agreement require a flexible interpretation, if necessary flouting unrealistic short-term goals and setting aside rigid timetables. Prioritisation and sequencing must be part of a wider political process, premised on the recognition that there is no inherent or automatic relationship between DDR/SSR programming and the resolution of conflict.

4.3 'Post-Conflict' Elections

The view that 'elections are key for fostering peace and stability in transitional settings'⁶³ is – at least as a general proposition – still widely held, even though it is now rarely advanced with the liberal-democratic naivety and blind optimism of the early post-Cold War era. The idea that early elections can have a conflict-mitigating impact on the afterlife of peace agreements rests on a combination of arguments. Chief among these is that democratic elections confer crucial domestic and international legitimacy on fragile post-war governing structures. By enabling wider participation from across society, elections can also serve to open up political space and encourage the growth of non-violent politics. Last, but not least, elections can play an important symbolic and psychological role, marking the arrival, in the eyes of war weary citizens and the wider international community, of a 'new a political order centred on rule-based competition for office rather than open warfare'.⁶⁴

While there is, certainly in the abstract, merit to each of these arguments, the consequences of introducing electoral competition into fractured, war-torn and divided societies have, more often than not, been to exacerbate rather than mitigate conflicts, in some instances with catastrophic consequences. As Brad Roth notes, 'while electoral accountability is an important component of peaceful and stable governance, electoral designs that neglect local peculiarities can produce results that serve neither peace nor democracy.'⁶⁵ This has proved

⁶² See the collection of articles in 'DDR Forum' in (2013) 20 (3) *International Peacekeeping*. See also cases covered in Mats Berdal and David Ucko (eds.), *Reintegrating Armed Groups After Conflict: Politics, Violence and Transition* (London: Routledge, 2009).

⁶³ Electoral Integrity Initiative, 'Elections and Peacebuilding', Policy Brief No. 4, May 2017, at 4: www.kofiannanfoundation.org/app/uploads/2017/05/Elections-and-Peacebuilding.pdf [last accessed on 2 December 2018].

⁶⁴ Ben Reilly, 'Elections and Post-Conflict Political Development', in Berdal and Zaum (eds.), *Political Economy of Peacebuilding*, 33, at 33.

⁶⁵ Chapter 17 by Brad Roth in this volume, [x].

to be the case especially in countries with little or no history of electoral politics involving broad-based and institutionalised political parties; parties that is, committed to transcending societal divisions, ascriptive ties and narrow sectional interests. The destabilising consequences of electoral competition in these circumstances are *not* confined to the first electoral cycle after war's end, though it is plainly of particular importance and has received much attention as a result. In Burundi, the 2015 elections and their profoundly polarising political effects have, it is now clear, dealt a fatal blow to the Arusha Peace and Reconciliation Agreement (APRA) of August 2000 – an agreement that had brought Hutu and Tutsi elites together in a delicate power-sharing pact to end twelve years of civil war.⁶⁶ The ICG, reporting on the eve of the 2015 elections, noted how 'far from being consensual, the electoral process has become an arena of confrontation that has created a pre-electoral climate even worse than in 2010'.⁶⁷ The political outcome of the election, which saw the re-election of President Pierre Nkurunziza in violation of the agreement on limiting the presidential term to two terms, has been to turn a 'crisis into low intensity armed struggle' between the government and the opposition, reviving and dramatically sharpening ethnic tensions.⁶⁸ The case of Burundi fits a pattern of rising levels of electoral violence in Sub-Saharan Africa that coincides, paradoxically, with the spread of formal democratic elections and practices on the continent since the end of the Cold War.⁶⁹

The precise impact of 'post-conflict' elections on the afterlife of peace agreements is closely linked to the political and strategic consequences that flow from three key choices.

The first relates to the timing of elections, specifically the question of how early to hold them after the formal end of hostilities. The record leaves no doubt that holding elections too soon after war's end risks the collapse of peace agreements and return to violence.⁷⁰ The second choice concerns the sequencing of elections, that is, the order in which local, regional and national elections are held, with some taking the view (though empirical evidence is inconclusive and there is little consensus on the issue) that holding local before nationwide elections may usefully serve to 'inculcate voters in the rights and responsibilities of

⁶⁶ Arusha Peace and Reconciliation Agreement for Burundi, 28 August 2000.

⁶⁷ International Crisis Group, 'Elections in Burundi: Moment of Truth', ICG Africa Report No. 224, 17 April 2015, at 3: www.crisisgroup.org/africa/central-africa/burundi/elections-burundi-moment-truth [last accessed 2 December 2018].

⁶⁸ International Crisis Group, 'Burundi: The Army in Crisis', ICG Africa Report No. 247, 5 April 2017, at 3: www.crisisgroup.org/africa/central-africa/burundi/247-burundi-army-crisis [last accessed 2 December 2018].

⁶⁹ Kovacs and Bjarnesen, 'Violence in African Elections'.

⁷⁰ See e.g. Dawn Brancati and Jack L. Snyder, 'Time to Kill: The Impact of Election Timing on Post-Conflict Stability' (2013) 57(5) *Journal of Conflict Resolution* 822.

democracy’.⁷¹ The third and, arguably, most critical issue concerns the kind of electoral system chosen – critical because they ‘shape the behavioural incentives for campaigning politicians, [and] the relative payoffs for resorting to national versus sectarian appeals’.⁷² Cross-national studies of electoral violence in Sub-Saharan Africa between 1990 and 2010 strongly suggest that ‘electoral institutions are important for shaping the incentives for governments and opposition alike to engage in electoral violence.’⁷³ Specifically, Fjelde and Höglund have persuasively linked ‘the use of violent electoral tactics to the high electoral stakes that are put in place by majoritarian electoral institutions, such as plurality rules and small electoral districts.’⁷⁴ It is also clear that centralised *presidential* systems carry a particularly high risk of generating violence and instability in ‘post-conflict’ settings, tending as they do to concentrate powers of patronage in a chief executive at the centre. Burundi is only one of several cases where attempts to change or ignore presidential term limits have served to reignite violence. As Guéhenno concluded from his experience: ‘the direct election of the president, which was pushed by the international community in Congo as in Afghanistan, was a strategic choice fraught with risks’.⁷⁵ The potentially divisive effects of choices made regarding timing, sequencing and electoral system are also well illustrated by the case of Bosnia-Herzegovina, where the Dayton Peace Agreement required elections to be held within 6 to 9 months on the basis of a electoral system that reinforced the importance of ethnicity and ‘encouraged zero-sum competition between representatives of the three parties’.⁷⁶

The Dayton elections were held in the mid-1990s and there is now much greater recognition in the academic literature as well as among practitioners engaged in electoral programming that choices relating to timing and electoral systems have strategic consequences, and that precautionary measures can help reduce risks of electoral violence. Brancati and Snyder, for example, have shown that while early post-civil war elections carry inherent risks, these can be ‘mitigated’ by ‘favourable conditions’, including ‘demobilisation, peacekeeping, power-sharing, and the development of robust political, administrative and judicial institutions’.⁷⁷

⁷¹ Reilly, ‘Elections and Post-Conflict Political Development’, 34.

⁷² *Ibid.*

⁷³ Hanne Fjelde and Kristine Höglund, ‘Electoral Institutions and Electoral Violence in Sub-Saharan Africa’ (2014) 46(2) *British Journal of Political Science* 297, at 317.

⁷⁴ *Ibid.*, 297.

⁷⁵ Guéhenno, ‘Fog of Peace’, 156.

⁷⁶ Harland, ‘Bosnia and Herzegovina’, p.30. See also: Dayton Peace Agreement, Annex 3, Article II(4).

⁷⁷ Brancati and Snyder, ‘Time to Kill’, 828-832. See also: Madhav Joshi *et al.*, ‘How the Order of Peace Agreement Implementation can Reduce the Destabilising Effects of Post-accord Election’ (2015) 61(1) *Journal of Conflict Resolution* 4.

Fjelde and Höglund also found that systems of proportional representation ‘and a greater number of legislative seats per electoral district significantly reduce the risk that actors will engage in violent electoral strategies’.⁷⁸

And yet there remains something inherently paradoxical about resorting to competitive electoral processes as a means of building trust and resolving conflict in the aftermath of inconclusive civil wars, especially when outcomes are defined in ‘winner-takes-all’ terms. Notwithstanding the degree of learning that has taken place, contextual factors discussed above ensure that electoral processes invariably become ‘arenas for confrontation’. In part, this is linked to the continuing logic of civil war at work in ‘post-conflict’ settings. Equally, if not more important, however, is the political economy prevailing at the time of signature, and its often perverse impact on democratic processes and their outcome. For one, where political and economic power is channelled through informal networks and personal connections, the scope for fraud and manipulation is great, a reality that helps explain why attempts by outsiders, however well intentioned, to engineer desired ‘political outcomes’ have such a poor record. The deeper problem here is succinctly summarised by Goodhand, Suhrke, and Bose in their penetrating analysis of the 2014 parliamentary election in Afghanistan. In comments whose relevance extend well beyond the Afghan case, they note:

Where, as in Afghanistan, competition in the economic and political spheres is structured, indeed over-determined by the legacies of war, gaining office through elections depends to a considerable extent upon access to the means of violence and patronage. Paradoxically, then, elections tend to further embed at the heart of government the patronage networks of politico-military groups. Rather than disrupting corruption, elections run the risk of further institutionalising it.⁷⁹

For all this, the pressures to hold elections after conflict and to make them part and parcel of peace agreements have endured, even though elections themselves may no longer be crudely ‘idealised as arenas in which conflicts are resolved’.⁸⁰ One source of that persistence, of course, is the fact that elections have provided a convenient exit mechanism for external actors involved in peace-building. What the record clearly suggests is that the centrality given

⁷⁸ Fjelde and Höglund, ‘Electoral Institutions and Electoral Violence’, 317.

⁷⁹ Jonathan Goodhand *et al.*, ‘Flooding the Lake? International Democracy Promotion and the Political Economy of the 2014 Presidential Election in Afghanistan’ (2016) 16(6) *Conflict, Security & Development* 481, at 492. For the relationship between political economy and electoral outcomes, see also: Mimmi Söderberg Kovacs, ‘Introduction: The Everyday Politics of Electoral Violence in Africa’, in Kovacs and Bjarnesen, ‘Violence in African Elections’, 1.

⁸⁰ Nancy Bermeo, ‘What the Democratization Literature Says – and Doesn’t Say – about Post-War Democratization’ (2003) 9(2) *Global Governance* 159, at 165.

to elections in peace agreements, whether it is done for principled or more pragmatic reasons, should be downplayed, while complementary ways of channelling political activism and participation through mechanisms other than competitive electoral politics should be encouraged.

4.4 Power-Sharing and the Dilemmas of Inclusion

As with the argument that democratic elections can help solidify peace agreements, the view that power-sharing arrangements among former enemies can serve, in effect, as conflict-mitigating mechanisms built into agreements, is not without a compelling logic of its own. To be sure, where parties have not been comprehensively defeated and retain the capacity to obstruct an agreement, power-sharing in some form may be inevitable.⁸¹ Power-sharing arrangements may, as noted, serve to counter the divisive effects of elections, and may also be a precondition for progress in other areas, as with the case of the SNC in the Paris Agreements for Cambodia. More positively, by encouraging and entrenching habits of cooperation and compromise, the very experience of power-sharing can be transformative and confidence-building.⁸² In this view, enforced proximity and close personal interaction can break down enemy images and stereotypes, helping to forge new human relationships built around a commitment to solve common post-war challenges.⁸³

However, as with the experience of early democratic elections, power-sharing arrangements have not necessarily proved a source of post-conflict stability. In fact, in a number of cases the power-sharing formulae chosen and the principles governing inclusion and exclusion in a peace agreement have produced perverse incentives, leading to a sharpening of violent competition among powerbrokers. Drawing specifically on African conflicts and power-sharing deals struck in the first decade and a half following the Cold War, Denis Tull and Andreas Mehler have pointed to the ‘hidden costs of power-sharing’ motivated solely by short-term considerations, that is, solely by the desire to reduce overt levels of violence

⁸¹ In his study of the causes of civil war recidivism, Charles Call has persuasively argued that ‘*political exclusion*, rather than economic or social factors, plays the decisive role in most cases of civil war recurrence’: Charles Call, *Why Peace Fails* (Washington, DC: Georgetown University Press, 2012), 6. It has also been argued that the durability of peace accords after civil wars is enhanced when power-sharing arrangements are extended to cover not only political but also military, economic and territorial ‘dimensions of state power’. See Caroline Hartzell and Matthew Hoddie, ‘Institutionalising Peace: Power Sharing and Post-Civil War Conflict Management’ (2003) 47(2) *American Journal of Political Science* 330.

⁸² The political, moral and legal case for inclusion, especially of women, in peace processes is well made in Chapter 11 by Tiina Pajuste in this volume.

⁸³ For a thoughtful and comprehensive analysis of power-sharing as a mechanism for peace consolidation after violent conflict, including an assessment of the strengths and weaknesses of consociational models of power-sharing, see Chapter 18 by Marie-Joëlle Zahar in this volume.

without *also* seeking to establish a viable political framework for lasting peace.⁸⁴ The Lomé and Abuja agreements provide striking examples precisely of situations where power-sharing ‘for the sake of peace’ in the short run created powerful incentives for continued violence.⁸⁵

Among the cases on which Tull and Mehler based their findings were also the international, regional and inter-Congolese attempts to bring the Second Congo War to an end. And, indeed, the eventual result of those efforts – the ‘Global and Inclusive Agreement’ signed in Pretoria in 2002 – offers a telling insight into the perils and potentially destabilising consequences of ill-conceived power-sharing formulas. The Pretoria Agreement set out the modalities – crucially over power-sharing and the integration of armed forces – that would govern a three-year transitional period through to multiparty elections in 2006.⁸⁶ In the end, eleven parties signed the agreement, of which six had armed forces of their own. Although thus an *inclusive* agreement, the concept of power-sharing underlying it had the perverse effect of encouraging violence as a means of acquiring political influence. As Judith Verweijen explains: ‘since influence at the negotiation table — and later in the transitional government — was in part a function of military strength, and because using or threatening violence proved a valuable political asset, the transition entrenched the political instrumentalisation of violence’.⁸⁷ The complete failure to create a new and properly integrated Congolese army, as envisaged under the agreement, compounded and reinforced the destabilising dynamic of power-sharing during the transition.⁸⁸

In this particular case, power-sharing was envisaged for a transitional period and motivated in part by the urgent and understandable desire to reduce horrific levels of violence in eastern DRC, even though its logic combined with the failure of SSR to undercut that very aim. Power-sharing arrangements of a more permanent kind, enshrined in provisions that stipulate constitutional reform as an integral part of the peace accord, can also, however, have the

⁸⁴ Denis Tull and Andreas Mehler, ‘The Hidden Costs of Power-Sharing: Reproducing Insurgent Violence in Africa’ (2005) 104(416) *African Affairs* 375, at 395.o

⁸⁵ *Ibid.*, 394.

⁸⁶ Global and Inclusive Agreement on Transition in the Democratic Republic of the Congo (Pretoria Agreement), 16 December 2002.

⁸⁷ Judith Verweijen, *Stable Instability: Political Settlements and Armed Groups in the Congo* (London: Rift Valley Institute, 2016), 22-23. For the destabilising consequences of the power-sharing arrangements agreed in 2002 and some of the wider lessons therefrom, see also Judith Verweijen, ‘Inclusion and fragmentation – Mai-Mai proliferation in the DRC’, in Andy Carl (ed.), *Navigating inclusion in peace processes*, Accord Issue 28, (London: Conciliation Resources, 2019) 78.

⁸⁸ Berwouts, ‘Congo’s Violent Peace’, 62.

effect of magnifying and entrenching the salience of wartime divisions.⁸⁹ This is one of the chief criticisms levelled against the Dayton Accord. As one early and detailed legal analysis of the accord put it: the Dayton framework ‘confirms the existence of the state yet contains the ingredients that divide it into separate political and legal entities. ... [It] fortifies the tripartite division of nation, community and individual in the new Bosnia where ethnic identity is all, and the body politic is a fractured soul.’⁹⁰

One clearly needs to be careful about generalising across different cases: decisions regarding appropriate power-sharing formulas are highly contingent on contextual factors, both internal and external to the conflict in question. Even so, two more general observations regarding the role of power-sharing in peace agreements can still be extracted from the overall record.

First, while the proposition that agreements should be as inclusive as possible is widely accepted and, indeed, has acquired a mantra-like quality, actual decisions about who to include in, or exclude from, power-sharing after inconclusive civil wars invariably raise complex and, frequently, morally fraught policy dilemmas and trade-offs. There are several aspects to this. In the first place, although seasoned mediators are right in principle to stress that ‘peace is made between enemies’⁹¹, there will be circumstances – as suggested by Lomé and Abuja – where bringing predatory actors into the fold runs the risk of torpedoing rather than consolidating peace. Furthermore, even where actors are genuinely committed to peace, inclusion in and of itself does not guarantee post-agreement stability, let alone long-term societal change. The peace accords for Guatemala, as William Stanley has shown in his thoughtful analysis of the UN Verification Mission in Guatemala (MINUGUA), were the result of extensive consultations with civil society groups, producing, in the end, an agenda that ‘accurately captured the range of things that needed to change for Guatemala to become a more functional, stable, and just society’.⁹² However, as he also makes clear, ‘efforts to build a consensus agenda through dialogue took place of direct negotiations involving people with actual power’.⁹³ And the ‘downside’ to such a ‘consensus-building approach’ was that

⁸⁹ For a discussion of the challenges involved in linking constitutional reform to the negotiation of peace agreements, see Chapter 16 by Rohan Edrisinha in this volume.

⁹⁰ Fionnuala Aolain, ‘The Fractured Soul of the Dayton Peace Agreement: A Legal Analysis’ (1998) 19(4) *Michigan Journal of International Law* 957, at 958. For the consequences of this framework for political developments in Bosnia after 1995, see Gro Nystuen, *Striking a Balance between Achieving Peace and Protecting Human Rights: Conflicts between Norms regarding Ethnic Discrimination in the Dayton Peace Agreement*, PhD Dissertation, Faculty of Law, University of Oslo, December 2003.

⁹¹ Alvaro de Soto, ‘Ending Violent Conflict in El Salvador’, in Crocker *et al.* (eds.), *Herding Cats: Multiparty Mediation in a Complex World* (Washington, DC: USIP, 1999), 345, at 381.

⁹² Stanley, ‘Enabling Peace in Guatemala’, 4.

⁹³ *Ibid.*, 295.

‘the resulting accords lacked substance, depth, and political feasibility’.⁹⁴ None of this, it should be stressed, is to deny the central importance of the principle of inclusion as a means of widening participation and creating long-term stakeholders in peace.⁹⁵ The point, rather, is that the application of the principle needs, in the interest of post-agreement stability, to take account of the likely impact of power-sharing arrangements on incentive structures and political dynamics among parties to an agreement.

Second, and in spite of what has just been said, short-term decisions and power-sharing arrangements aimed at bringing a halt to large-scale fighting, especially when taken without regard to possible second and third order consequences, will always carry the risk of longer-term instabilities, even a reversion to outright war. This, of course, is much easier to see with the benefit of hindsight than it is at the time when judgements have to be made about the viability of agreements. It suggests again, however, that peace agreements should not be set in stone and that flexibility and review mechanisms should be built into them.⁹⁶ It also points to the critical importance of the implementation phase of peace agreements.

5 Implementation: Shaping the Afterlife of Peace Agreements

The cases examined in this chapter have all involved varying degrees of external support for the implementation of peace agreements. The quality of that support, unsurprisingly, has influenced their afterlife. Leadership and flexibility in interpreting the content of agreements can help shore up tenuous compromises and build confidence among key constituencies for peace. Conversely, a rigid and uncompromising approach to text and to the execution of plans – sticking slavishly, say, to self-imposed deadlines in defiance of political and logistical realities on the ground – is certain to exacerbate underlying fragilities. The record also makes clear, however, that the scope for leadership to have a positive impact is itself linked to two additional factors. The first of these relate to the resources and enforcement capacity

⁹⁴ *Ibid.*, 296.

⁹⁵ There can be little doubt, for example, that the *total* political exclusion of the Taliban movement from the political and constitutional process following the Bonn Agreement of 2001 set the stage for the movement’s subsequent resurgence and renewed war – a fact recognised by Lakhdar Brahimi who, writing in 2008, ‘bitterly’ regretted not having acted more ‘forcefully’ to ‘reach out to those members of the Taliban potentially willing to join the political process’ in 2001-2. See Lakhdar Brahimi, ‘A New Path for Afghanistan’ *The Washington Post*, 7 December 2008: <http://www.washingtonpost.com/wp-dyn/content/article/2008/12/05/> [last accessed 27 February 2019]

⁹⁶ This conclusion is very much in line with Zahar’s central argument elsewhere in this volume: power-sharing ‘must be adapted to context, flexible enough to accommodate change and designed in such a way as to address its blinders and limitations’. Chapter 18 by Marie-Joëlle Zahar in this volume, [x].

available to assist implementation. The second and, on balance, more important factor is the degree of continuous and constructive political backing, especially from the Security Council but also from regional bodies and ‘groups of friends’, extended to those charged with implementation.

5.1 Resources and enforcement capacity

Financial and military resources provided by external actors – including bilateral and multilateral donor support, military and peacekeeping forces – cannot compensate for inherently unworkable peace agreements or situations where parties are fundamentally resistant to making agreements work (as the efforts that went into shoring up the Lusaka process between 1994 and 1998 illustrate). There are enough examples, however, to show that in cases other than these, economic resources and enforcement capacity wielded by outsiders can strengthen vulnerable agreements by providing psychological reassurance and security guarantees to vulnerable populations; offering deterrence against would-be spoilers; and providing much-needed material assistance to implement the more resource-intensive aspects of an accord.

For all the limitations of the APRA in Burundi, Peter Uvin and Leanne Bayer concluded that the ‘efforts of the international community in managing the establishment of a new security framework ... were pivotal for turning the commitments in the APRA into practice’.⁹⁷ These efforts included the deployment of nearly 6,000 peacekeepers tasked, *inter alia*, with DDR and the provision of electoral support, and also saw the head of the UN mission chair the Implementation Monitoring Committee for the APRA.⁹⁸ By contrast, the 1993 Arusha Agreement for Rwanda, was notable among other things for the fact that ‘mediators and parties ... staked its implementation almost exclusively on international actors who were unwilling and unprepared to expend resources to meet its provisions’.⁹⁹

Even when enforcement capacities are provided, however, the readiness to employ them flexibly in response to threats to an agreement, as distinct from their theoretical availability, is the ultimate determinant of their utility. The peacekeeping mission deployed in support of the Lomé Accord had an authorised strength of 17,500, yet was initially paralysed by capability gaps, disunity of command and a basic unwillingness on the part of the UN

⁹⁷ Peter Uvin and Leanne Bayer, ‘The Political Economy of Statebuilding in Burundi’, in Berdal and Zaum (eds.), ‘Political Economy of Statebuilding’, 263, at 269.

⁹⁸ UNSC Resolution 1545 (2004), UN Doc. S/RES/1545(2004).

⁹⁹ Khadiagala, ‘Implementing the Arusha Peace Agreement’, 463.

mission leadership to act proactively to shore up the agreement.¹⁰⁰ An even more striking example is provided by the early afterlife of the Dayton Agreement, where a 60,000-strong NATO-led Implementation Force (IFOR) was deployed and properly mandated to assist implementation yet remained distinctly passive throughout what proved to a violent first year of peace in Bosnia.

What these and other examples show is that lack of resources and/or unwillingness to employ them can have deeply debilitating effects on on-going peace processes. What is also clear, however, is that there is no simple or automatic relationship between the available resources, or size of an external footprint, on the one hand, and success in stabilising post-war environments on the other. For example, the relative success of UK-led stabilisation activities in Sierra Leone between 2002 and 2012 is clearly linked to the continued commitment of outside support in the form of funding and training for Sierra Leone's armed forces and security sector.¹⁰¹ The scale of that support, however, was comparatively modest. Here, as in other cases, the strength of parallel political processes proved all-important.

5.2 International Political Support

Even in cases where resources and technical support are limited or slow in materialising, active political support and unanimous backing from the Security Council for peace implementation missions can influence the balance of incentives in favour of peace among parties. This is a key lesson from the UN's involvement in both Mozambique and Cambodia in the early 1990s.

In the former case, a pivotal aspect of the Council's support for the UN Operation in Mozambique (ONOMUZ) was the trust it placed in the SRSG, Aldo Ajello, reflected in its 'flexible and pragmatic' attitude towards slippage in the timetable, which in turn allowed him to 'induce greater cooperation by using the threat of deadlines and the prospect of withdrawal of the UN operation'.¹⁰² The effect of Council unity was to leave no room for the parties to play member states off against each other. Ajello himself stressed the value of having three of the permanent members of the Council – the UK, France and the US – involved throughout the entire peace process, first as observers during the Rome negotiations and then as

¹⁰⁰ UN Department of Peacekeeping Operations, *DPKO Assessment Mission to Sierra Leone* (Eisele Report), 8 June 2000.

¹⁰¹ Ashlee Godwin and Cathy Haenlein, 'Security-Sector Reform in Sierra Leone' (2013) 158(6) *The RUSI Journal* 30.

¹⁰² Aldo Ajello and Patrick Wittmann, 'Mozambique', in David Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century* (Boulder, CO: Lynne Rienner, 2004), 437, at 438.

international members of the Supervisory and Monitoring Commission (CSC) responsible for implementing the Rome Agreement.

A similar mechanism was in place in Cambodia through a grouping known as the Extended Permanent Five (EP5), set up in Phnom Penh after the signing of Paris Agreements and including, in addition to the ambassadors from the P5, representatives from Australia, Germany, Indonesia, Japan, Indonesia, Japan and Thailand. The EP5, which supported UNTAC throughout the entire mandate period, effectively ‘served to remind the Cambodian parties of their obligations under the Paris Agreements during the five months between their signing and the establishment of UNTAC, as the parties, and some countries, sought to exploit the new dynamics created by the agreements’.¹⁰³ Significantly, the EP5 mirrored a ‘core group’ of ambassadors in New York and close contact between these ‘ensured coordination between the operational and strategic levels through the policy process in the capitals’.¹⁰⁴ As a result, Council resolutions on Cambodia, ‘drafted in the face of major obstacles as the mission progressed, were achievable and reflected the realities on the ground’.¹⁰⁵

In both these cases, the level of Council involvement and interest dropped markedly with the formal end of the UN mission. This reduction in the intensity of external engagement following the implementation phase has, not only in Mozambique and Cambodia but elsewhere, prevented gains from being consolidated and increased the risks of backsliding. As Marrack Goulding concluded from UNTAC experience, ‘it’s not enough just to negotiate a peace treaty, go in with a peacekeeping operation to implement the peace treaty, and then withdraw your involvement’.¹⁰⁶ This view, emphasising the need for involvement beyond the formal termination of a UN deployment, including in particular the maintenance of a close watching brief by the Council, has been a recurring theme in the lessons-learned literature. It needs to be added, however, that such engagement has often been strongly resisted by the states subject to external assistance themselves, as they have sought to reassert their credentials as sovereign states and reduce their dependence on an outside and politically intrusive implementing force. With regard to Cambodia, it was Boutros-Ghali’s own view

¹⁰³ John M. Sanderson, ‘Dabbling in War: The Dilemma of the Use of Force in United Nations Interventions’, in Olara Otunnu and Michael Doyle (eds.), *Peacemaking and Peacekeeping for the New Century* (Lanham, MD: Rowman & Littlefield, 1998), 145, at 162.

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*

¹⁰⁶ Interview of Marrack Goulding by James Sutterlin, Yale-UN Oral History Project, 30 June 1998, at 46: <http://ugspace.ug.edu.gh/bitstream/handle/123456789/2696/Goulding.pdf;sequence=1> [last accessed 5 December 2018].

that ‘growing unease about the extent to which the Security Council’s mandate had caused the UN to intrude into the country’s domestic affairs’ meant ‘there was no way the UN could stay’.¹⁰⁷

More often than not, however, sustaining high-level diplomatic interest and securing political commitments from major powers in support of peace agreements, have proved major challenges in their own right, especially so after the initial, largely Western, enthusiasm for the liberal internationalism came to be tempered by experiences of peacekeeping in Somalia, Haiti, former Yugoslavia and Rwanda. It is evident, for example, that meaningful and substantive progress in ending continuing violence and insecurity in eastern parts of DRC after the ‘Global and Inclusive Agreement’ of 2002, would have required deeper and far more sustained ‘strategic engagement in the politics of Congo’ by the Security Council.¹⁰⁸

5.3 Political Leadership and Flexibility in Interpreting Agreements

For reasons already discussed, peace agreements aimed at ending civil wars have all contained ambiguities, omissions and technical shortcomings. This very fact, however, has also left room for creative interpretation of provisions and strategic interventions in the course of implementation, specifically with regard to the prioritisation, timing and sequencing of tasks and objectives set out in an agreement. Where agreements have involved a central role for the UN, political leadership exercised by the UN mission has, on occasion, played a vital role in keeping fragile processes afloat during the early stages of implementation.¹⁰⁹ The ability thus to influence events on the ground has proved greatest in situations where the UN has been given an *executive* role in bodies and commissions set up to oversee implementation, as was the case in Mozambique where the UN was not a mere observer, but ‘the locomotive moving the entire process forward’.¹¹⁰ By contrast, the Bicesse Accord for Angola provided for no such executive role, leaving instead the onus of responsibility for implementation entirely to the parties. Even with less intrusive or robust mandates, however, as Alvaro de Soto notes of the UN mission in El Salvador set up to verify the implementation of agreements between the government and the FMLN, it has still been

¹⁰⁷ Boutros Boutros-Ghali, *Unvanquished* (London: IB Tauris, 1999), 83.

¹⁰⁸ Guéhenno, ‘Fog of Peace’, 160. For the lack of such engagement in the DRC, see John Holmes, *The Politics of Humanity* (London: Head of Zeus, 2013), 139.

¹⁰⁹ Rick Hooper and Mark Taylor, ‘Command from the Saddle: Shaping the UN’s Role in Peace Implementation’, FAFO Report No. 266, January 1999, at 18: www.fafon.org/media/com_netsukii/266.pdf [last accessed 5 December 2018].

¹¹⁰ Aldo Ajello, ‘Mozambique: Implementation of the 1992 Peace Agreement’, in Crocker *et al.* (eds.), ‘Herding Cats’, 615, at 623.

possible to ‘exert pressure [on the parties] through shame, cajoling, and persuasion’.¹¹¹ Even with a strictly limited mandate, the UN Observer Mission in El Salvador (ONUSAL) ‘got very far using these tactics’.¹¹²

These considerations all hint at the potential importance of political leadership and strategic direction exercised by the SRSG at the helm of a UN mission during the early afterlife of a peace agreement. Reflecting on the success of the UN operation in Namibia in 1989, Marrack Goulding, Under-Secretary-General for Special Political Affairs at the time, emphasised the value of ‘a good [and] a well-negotiated settlement’ but, equally, the importance of the kind of ‘very professional, and imaginative leadership’ provided by Marti Ahtisari and Cedric Thornberry on the ground.¹¹³ Indeed, according to Jean Krasno, Ahtisari ‘struggled almost on a daily basis to keep the threat of violence below a level that would have derailed the process’.¹¹⁴ Likewise, in El Salvador, continuing third-party mediation by ONUSAL was one aspect of the ‘major role’ played by the UN ‘in assisting Salvadorans in implementing the provisions of their accord’.¹¹⁵

A particularly instructive example of the potential for third party political leadership exercised in support of an agreement was provided by ONUMOZ under Aldo Ajello. What precisely was his role and what does it tell us more generally about the possibilities for constructive facilitation of peace agreements by outside actors? Three factors merit special attention.

In the first place, Ajello chose to interpret the mandate flexibly, viewing it as a floor rather than a ceiling, making the best possible use of limited resources and deftly navigating the politics of the UN secretariat, key members of which disliked his penchant for improvisation and evident reluctance to abide by the UN rule-book. For example, it very soon became clear that the timetable for accomplishing mandated tasks – including DDR and the organisation of legislative and presidential elections within the space of one year – was wildly unrealistic. Ajello, who would later describe the timetable as ‘the most negative element of the entire

¹¹¹ Alvaro de Soto quoted in Lise Howard, ‘UN Observer Mission in El Salvador’, in Joachim Koops *et al.* (eds.), *The Oxford Handbook of UN Peacekeeping Operations* (Oxford: OUP, 2015), 351, at 358.

¹¹² *Ibid.*

¹¹³ ‘Interview with Marrack Goulding’, 23.

¹¹⁴ Jean Krasno, ‘Namibian Independence’, in Jean Krasno, *et al.* (eds.) *Leveraging for Success in UN Peace Operations* (Westport, CT: Praeger, 2003), 25, at 25.

¹¹⁵ Teresa Whitfield, *Friends Indeed? The UN, Groups of Friends and the Resolution of Conflict* (Washington, DC: USIP, 2007), 72-73.

peace agreement’,¹¹⁶ insisted on and secured a more flexible and politically driven schedule of implementation.

Second, he skilfully utilised the asset of Security Council support and unity. A key aspect of this, as noted, was the creation of what was in effect a ‘shadow Security Council in Maputo’.¹¹⁷ This allowed a ‘united front’ not only vis-à-vis the parties but also to the Security Council proper, and was used ‘to “engineer” the engagement of the Council at key junctures in the process and to elicit decisions from it that supported the SRSG’s strategy’.¹¹⁸

Third, and most importantly in terms of wider lessons, Ajello’s main contribution involved a key *political judgment* on his part regarding the UN’s priority objective in Mozambique following sixteen years of brutal civil war. That objective was to ensure that RENAMO remained committed to the peace process, something which, in the first instance, involved bringing its leader, Afonso Dhlakama, to Maputo, and, secondly, ensuring that RENAMO itself was transformed from a guerrilla movement into a functioning political party. In pursuing this objective, Ajello recognized, crucially, that ‘Dhlakama was no Savimbi’¹¹⁹, meaning, among other things, that while he had demonstrated great capacity for cruelty in the course of the civil war, he was not, as Anstee observed of Savimbi, ‘hell-bent on achieving power at any cost and by any means’.¹²⁰

For all this, one should be careful about inferring too much about the agency of the SRSG from the case of Mozambique. With the perspective of nearly twenty-five years and other case studies with which to compare ONUMOZ’s record, it is obvious that Ajello and his team benefited from some critical enabling conditions, most of which have been noticeably absent elsewhere. One of these was that the parties to the Rome Agreement were ‘extremely susceptible to external pressure’, a function in part of being heavily dependent on foreign aid.¹²¹ Crucially important was also the fact that active support from the Council and key donors remained steadfast throughout, including, in particular, from Italy whose ambassador to Mozambique ‘repeatedly found essential money for things auditors would not approve of,

¹¹⁶ Ajello, ‘Implementation of the 1992 Peace Agreement’, 624.

¹¹⁷ Interview with Aldo Ajello by Mats Berdal, 20 September 2014 (author’s personal file).

¹¹⁸ Ajello and Wittmann, ‘Mozambique’, 441.

¹¹⁹ Alex Vines, ‘Angola and Mozambique: The Aftermath of Conflict’, Research Institute for the Study of Conflict and Terrorism, Conflict Studies 280, May/June 1995, at 22.

¹²⁰ Anstee, ‘UN in Angola’, 613.

¹²¹ Richard Edis, ‘Mozambique’s Successful Peace Process: An Insider’s View (1995) 9(2) *Cambridge Review of International Affairs* 5, at 10.

but that were crucial to keeping the peace'.¹²² The ability to draw on resources and improvise in this fashion in support of an agreement has proved very difficult to reproduce elsewhere. Last, but certainly not least, the parties themselves were basically committed to the peace agreement. As the Secretary-General himself put it, key to the success of the mission was 'the political pragmatism shown by the parties to the General Peace Agreement'.¹²³

There is one further consideration arising from implementation of the Rome Agreement that is of wider relevance. Although the Mozambican civil war saw countless instances of mass atrocity crimes, the peace agreement made no provision either for a legal war crimes process to be held or for a truth and reconciliation mechanism to be set up. The UN's dealings with RENAMO and the Government on the ground were thus made possible by the existence of an effective amnesty, and Ajello himself considered that essential to the success of the peace process.¹²⁴ Both normative and legal developments since the early 1990s have made it much more difficult to grant unqualified or blanket amnesties as part of a peace processes.¹²⁵

While ONUMOZ may have enjoyed distinct advantages, there are other examples of initiatives taken by mission leaderships locally that have helped to counter potentially divisive aspects of a peace accord. One of these was the decision, conceived of and implemented by UN staff in Bosnia in 1998, to replace vehicle licence plates indicating the entity from which a vehicle hailed with a common licence plate for the whole of the country. Until this step was taken, politicised and unreformed local police forces had been able to determine the ethnicity of occupants of vehicles travelling throughout the country, with predictable consequences. According to Martin Barber, Deputy SRS in the UN Mission in Bosnia from 1996 to 1998, 'extortion and harassment, beatings and arrest awaited drivers of vehicles carrying the 'wrong' plates for the town they were entering'.¹²⁶ The effect on the freedom of movement of introducing a common licence plate was immediate, with 'volumes

¹²² Dirk Salomons, 'Probing the Successful Application of Leverage in Support of Mozambique's Quest for Peace', in Krasno *et al.* (eds.) 'Leveraging for Success', 81, at 112.

¹²³ UNSC, 'Final Report on the UN Operation in Mozambique', para. 35.

¹²⁴ Interview with Aldo Ajello by the author, 20 September 2014.

¹²⁵ This, notwithstanding a key finding from Jeffery's careful assessment, in Chapter 26 of this volume, of the 'peace versus justice' debate (at [x]): '...systematic comparative studies of peace processes reveal [that] empirical evidence about the role played by accountability measures in achieving peace, either positive or negative, is inconclusive at best. We simply do not know whether accountability is generally essential to peace or an obstacle to its achievement.'

¹²⁶ Martin Barber, *Blinded by Humanity* (London: I.B. Tauris, 2015), 120.

of traffic between the different entities and communities [increasing] by 50 per cent within one month of the full implementation of the new plates'.¹²⁷

5.4 International Support for Peace Agreements: Trends and Prospects

As the discussion above makes clear, the instances where the international community through the UN has played a genuinely constructive role in support of peace agreements are nearly all confined to the early post-Cold War period. Even then, many agreements suffered from broken promises, lack of external support and half-hearted political follow-up. It was nonetheless a period, it is now clear, distinguished by a comparatively high and consistent level of harmony among major powers, underpinned by general commitment to the tenets of liberal interventionism on the part of key Council members. Indeed, for much of the 1990s it was commonplace to speak of the P3, meaning the US, UK and France, as the dominant influence on Council proceedings and outcomes (a function in part of the relative weakness and domestic preoccupations of Russia and China at the time). These were the powers whose policies and interests, in the final analysis, determined the character and extent of UN involvement in peace and security, including the amount and quality of support given to the implementation of ambitious peace agreements. This geopolitical context has since changed dramatically, with divisions among the P5, especially between Western Council members and Russia, having steadily deepened and now increasingly affecting all aspects of Council politics.¹²⁸ Plainly, this change in context – which in recent years has been reinforced by a resurgence of nationalist and populist sentiment and a preference for ‘transactional deal-making’ in countries, most notably the US, that formerly were more unequivocally committed to multilateralism and values-driven diplomacy – raises long-term questions about the role of the Security Council in support of post-Civil War peace agreements.

6 Concluding Reflections

There is no simple or easy way of benchmarking success when it comes to analysing peace agreements and their afterlife. Indeed, discussing, let alone defining, ‘success’ in any meaningful sense is impossible without an appreciation of the wider context – historical, political, cultural and normative – within which a given agreement was negotiated, concluded

¹²⁷ *Ibid.* See also: UNSC, *Report of the Secretary-General on the UN Mission in Bosnia and Herzegovina*, 12 March 1998, UN Doc. S/1998/227.

¹²⁸ For the Council’s diminishing attention to justice-related issues and its growing inability to engage in ‘effective peace-making’ following 9/11 and, in particular, NATO’s military intervention in Libya, see also: Chapter 14 by Nigel White in this volume.

and implemented. Ascribing post-signature developments to flaws inherent in the peace agreement may be unfair where implementation is undermined by an unfavourable and hostile regional setting from the outset; where it is crippled by limited resources; and, most important of all, where it is up against a fundamental lack of commitment on the part of key powerbrokers and signatories to the agreement.

Nor are there any fixed or ready answers to questions about the appropriate length, level of detail, and degree of inclusivity of an agreement. Again, meaningful answers to such questions depend critically on context. In some cases, as Charles Call concluded of El Salvador, ‘the unusually high level of detail in the agreements proved much more help than hindrance in the implementation process’.¹²⁹ By contrast, Guéhenno has written of the Darfur Peace Agreement that its ‘cease-fire provisions were absurdly unrealistic in their level of complexity, combining excessive detail with critical ambiguities’.¹³⁰ As for the role of outsiders, there will always be limits to what they can do in terms of securing a lasting settlement. Although close UN involvement in implementation has on occasion proved helpful in stabilising agreements, it is also true that even where the UN has been entrusted with very extensive powers, this has not necessarily translated into effective control and influence. In Cambodia, UNTAC was never able to control key government ministries as envisaged under the Paris Agreements, nor was it able to create a ‘neutral political environment’ before the elections in 1993. Overall, as these and other cases covered suggest, peace agreements after civil wars are best approached as living documents whose flexible interpretation can help parties and mediators chart political avenues out of violence.

In the end, authoritative and less provisional judgements about the contribution of peace agreements to building lasting peace after civil wars require a longer-term historical perspective, formed in response to a broader set of questions. Did the peace agreement in question mark an inflexion point in the country’s political history? Did it allow for new habits of peaceful politics to develop and become entrenched in its political culture? Did it provide the basis for processes of societal transformation to begin? Did it challenge underlying political economies of structural conflict whose effect historically had been to encourage civil war recidivism? As the agreements covered in the present chapter, spanning a period of more

¹²⁹ Charles Call, ‘Assessing El Salvador’s Transition from Civil War to Peace’, in Stedman *et al.* (eds.), ‘Ending Civil Wars’, 383, at 413.

¹³⁰ Guéhenno, ‘Fog of Peace’, 188.

than a quarter of a century, make clear, even those questions leave room for differing, though not necessarily incompatible, conclusions and perspectives.

When the UNTAC mission ended in 1993, the general sentiment among long-time observers of the Cambodian scene was one of relief and qualified success, notwithstanding the fact that key provisions of the Paris Peace Agreements were never implemented. A ceasefire had not been secured and, consequently, no disarmament and demobilisation exercise was undertaken. Fighting within the country lasted until 1998 when the Khmer Rouge rebellion finally ended. Since then, the ruling Cambodian's People's Party under Prime Minister Hun Sen has been consolidating its grip on power, falling back on authoritarian habits and violent practices, all very different from the 'system of liberal democracy, on the basis of pluralism' envisaged in the Paris Agreements. And yet, Cambodia's developments since 1991 must surely also be viewed against the backdrop of its turbulent, conflict-strewn and exceptionally bloody past, including the genocidal rule of the Khmer Rouge between 1975 and 1979, as well as the absence of any tradition of liberal, participatory and democratic politics on which to draw. Viewed in this light, the central achievement of peace is real enough, even though a wider peace dividend has proved elusive.

In Mozambique, the UN, anxious to avoid a repeat of the catastrophic collapse of the Bicesse Accord in Angola, successfully monitored and verified the implementation of the Rome Agreement, including the demobilisation of some 80,000 soldiers, the creation of new joint army and the organisation of free and fair elections. Since then, four more presidential and parliamentary elections have been held. Over the same period, however, economic growth has utterly failed to generate wider, more inclusive, socio-economic benefits.

The case of El Salvador is widely treated as a success story in the peace building literature, and there is no denying the gains made as a result of the Chapultepec Peace Agreement of 1992. Chief among these has been the high degree of political stability brought to the centre of national politics. Since the end of the war, the FMLN, having successfully transformed itself from a guerrilla force into a political party, and ARENA, the right-wing National Republican Alliance formed in 1981, have been contesting elections at regular intervals. Crucially, both parties have accepted their legitimacy and abided by their outcome. For all this, profound structural inequalities and entrenched power structures persist in El Salvador, as they do in Guatemala and Colombia.

We are back, full circle it would seem, to the wisdom of Oscar Atria's counter-intuitive insistence on peace as having 'no finishing line, no final deadline, no fixed definition of achievement'.